

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
BRIAN WATSON, et al.,	:	
	:	
Plaintiffs,	:	
	:	20 Civ. 4572 (LGS)
-against-	:	
	:	<u>ORDER</u>
MANHATTAN LUXURY AUTOMOBILES,	:	
INC.,	:	
Defendant.	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a discovery conference was held today, February 4, 2021, to discuss the parties' outstanding applications at Dkt. Nos. 73, 76 and 77, and to discuss the parties' competing letters regarding the status of the production of materials. *See* Dkt. Nos. 82 and 83.

WHEREAS, per the Order at Dkt. No. 86, the parties proposed a revised deposition schedule of all experts and a new filing date for a renewed motion for class certification. For the reasons stated at the conference, it is hereby

**ORDERED** that third-party subpoena respondent CDK Global, LLC's ("CDK") application to designate two customer lists produced on November 16, 2020, as "Confidential" pursuant to this action's protective order (Dkt. No. 73) is GRANTED. To the extent Plaintiffs seek to use CDK's customer lists in another action without the need of a third-party subpoena, Plaintiffs and CDK shall confer and attempt to reach agreement. It is further

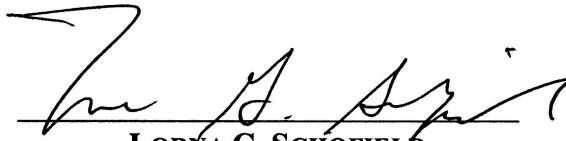
**ORDERED** that Plaintiffs' application to strike certain evidence (Dkt. No. 76) is DENIED without prejudice to renewal as a motion *in limine* prior to trial. For clarity, Defendant may use Plaintiff Greene's response to a "New York inspection" text message in connection with any motion prior to trial. It is further

**ORDERED** that discovery is no longer stayed, and the parties' request for extension of expert discovery is GRANTED. A Second Amended Civil Case Management Plan, adopting the parties' proposed deposition schedule, will follow separately. It is further

**ORDERED** that Plaintiffs' motion for class certification is DENIED without prejudice to renewal by **April 30, 2021**. Defendant shall file its opposition by **May 21, 2021**, and Plaintiffs shall file their reply by **June 2, 2021**. The parties shall comply with the Court's Individual and Emergency Rules and Practices with respect to exhibits, page limits and courtesy copies.

The Clerk of Court is respectfully directed to close Dkt. Nos. 46, 73, 76 and 77.

Dated: February 4, 2021  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**